

#555  
1 BILL NO. G-94-01-05

2 GENERAL ORDINANCE NO. G- 09-96

3 AN ORDINANCE amending the Thoroughfare  
4 Plan of the City Comprehensive ("Master")  
5 Plan by vacating a portion of public  
6 right-of-way thereof.

7 WHEREAS, a petition to vacate a portion of dedicated  
8 public right-of-way within the City of Fort Wayne (as more  
9 specifically described below) was duly filed with the City  
10 Planning Commission; and

11 WHEREAS, said Commission duly held a public hearing  
12 thereon; and

13 WHEREAS, said Commission has duly forwarded its  
14 recommendation to this body approving said petition, all in  
15 accordance with I.C. 36-7-4-512(2) and this body having held  
16 a public hearing on said vacation as provided in I.C. 36-7-4-  
17 12; and

18 WHEREAS, this body concurs in the recommendation of the  
19 City Planning Commission.

20 NOW THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF  
21 THE CITY OF FORT WAYNE, INDIANA:

22 SECTION 1. That the petition filed herein to vacate a  
23 portion of dedicated public right-of-way within the City of  
24 Fort Wayne, more specifically described as follows, to-wit:

25 Part of the northwest quarter of Section 8,  
26 Township 30 North, Range 13 East, Adams Township,  
27 Allen County, Indiana, described as follows:

28 Starting at the intersection of the west line of said  
29 northeast quarter with the north right-of-way line of the  
30 Wabash Railroad; thence easterly, along said north right-  
31 of-way line, 497.5 feet; thence north 446.36 feet,  
32 parallel with said west line of the northwest quarter to  
the south right-of-way line of Pennsylvania Street as  
recorded in Deed Record 482, pages 234-5, which shall be  
the place of beginning; thence continuing north, 50.88  
feet, parallel with said west line to the north right-of-  
way line of said Pennsylvania Street; thence  
northwesterly, 229 feet along said north right-of-way  
line to the southeast corner of Lot Number 61 in  
Harvester View Addition as shown in the Plat Book 10,  
Page 29; thence west 116.5 feet, along the south line of  
said Lot Number 61 to the east right-of-way line of Kitch  
Street; thence south 50 feet, along said right-of-way  
line to the Northwest corner of Lot Number 60 in said  
Harvester View Addition; thence east, 116.5 feet, along  
the north line of said Lot Number 60 to the northeast  
corner thereof; thence southeasterly, 229 feet, along the  
south right-of-way line of said Pennsylvania Street to  
the place of beginning.

#555  
1 and which vacating amends the Thoroughfare Plan of the City  
2 Comprehensive ("Master") Plan and is hereby approved in all  
3 respects.

4 SECTION 2. That this Ordinance shall be in full force  
5 and effect from and after its passage, any and all necessary  
6 approval by the Mayor.

*Robert J. Davis*  
COUNCILMEMBER

7 APPROVED AS TO FORM AND LEGALITY:

8 *J. Timothy McCaulay*  
9 J. TIMOTHY MCCAULAY, CITY ATTORNEY

10 \*\* Public hearing to be held on *Tuesday*,  
11 the *23rd* day of *April*, 199*3*,  
12 in the Council Chambers.

13  
14 *Sandra E. Kennedy*  
15 Sandra E. Kennedy, City Clerk  
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Read the first time in full and on motion by Ravine,  
and duly adopted, read the second time by title and referred to the  
Committee on Regulations (and the City Plan Commission  
for recommendation) and Public Hearing to be held after due legal notice, at  
the Common Council Council Conference Room 128, City-County Building, Fort  
Wayne, Indiana, on 19, the 19 day of  
1 M., E.S.T.

DATED: 1-25-94

Sandra E. Kennedy  
SANDRA E. KENNEDY, CITY CLERK

Read the third time in full and on motion by Ravine,  
and duly adopted, placed on its passage. PASSED LOST  
by the following vote:

	AYES	NAYS	ABSTAINED	ABSENT
TOTAL VOTES	<u>7</u>	<u>1</u>		<u>1</u>
BENDER	<u>✓</u>			
CRAWFORD	<u>✓</u>			
EDMONDS	<u>✓</u>			
HALL	<u>✓</u>			
HAYHURST	<u>✓</u>			
HENRY				<u>✓</u>
LUNSEY		<u>✓</u>		
RAVINE	<u>✓</u>			
SCHMIDT	<u>✓</u>			

DATED: 4-23-96

Sandra E. Kennedy  
SANDRA E. KENNEDY, CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne,  
Indiana, as (ANNEXATION) (APPROPRIATION) (GENERAL)  
(SPECIAL) (ZONING) ORDINANCE RESOLUTION NO. G-09-96  
on the 23rd day of April, 1996

ATTEST:

(SEAL)

Sandra E. Kennedy  
SANDRA E. KENNEDY, CITY CLERK

DD Schmidt  
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on  
the 24th day of April, 1996,  
at the hour of 10:00 o'clock A, M., E.S.T.

Sandra E. Kennedy  
SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this 25th day of April,  
1996, at the hour of 8:30 o'clock A M., E.S.T.

PAUL HELMKE  
PAUL HELMKE, MAYOR

# FACT SHEET

G-94-01-05

BILL NUMBER

## Division of Community Development & Planning

BRIEF TITLE Street Vacation Ordinance APPROVAL DEADLINE \_\_\_\_\_ REASON \_\_\_\_\_

### DETAILS

<p><b>Specific Location and/or Address</b> A portion of Pennsylvania Street, east of Kitch Street.</p>	<p><b>Reason for Project</b>  The vacation of the right-of-way would be used for future expansion of the Fort Wayne Vehicle Auction.</p>
<p><b>Discussion (Including relationship to other Council actions)</b>   <u>24 January 1994 - Public Hearing</u>   See Attached Minutes of Meeting   <u>31 January 1994 - Business Meeting</u>   Motion was made and seconded to return the ordinance to the Common Council with a DO PASS recommendation contingent upon the following:   1) petitioner needs to provide utility easements or relocations as needed;   2) petitioner is to close the existing access point and restore the curblin.   Of the eight (8) members present, seven (7) voted in favor of the motion, the Chair did not vote. Motion Carried.</p>	

### POSITIONS

### RECOMMENDATIONS

Sponsor	City Plan Commission
Area Affected	City Wide  Other Areas
Applicants/ Proponents	Applicant(s) AA Property Holdings Inc City Department  Other
Opponents	Groups or Individuals Betty Lunsey, 1548 Kitch St  Basis of Opposition -further expansion of this business would increase the detrimental effect this business has on the area.
Staff Recommendation	<input checked="" type="checkbox"/> For <input type="checkbox"/> Against  Reason Against
Board or Commission Recommendation	By  <input checked="" type="checkbox"/> For <input type="checkbox"/> Against <input type="checkbox"/> No Action Taken <input type="checkbox"/> For with revisions to conditions (See Details column for conditions)
CITY COUNCIL ACTIONS (For Council use only)	<input type="checkbox"/> Pass <input type="checkbox"/> Other <input type="checkbox"/> Pass (as amended) <input type="checkbox"/> Hold <input type="checkbox"/> Council Sub. <input type="checkbox"/> Do not pass



DETAILS

Members Present: Ernest Evans, James Hoch,  
Charles Layton. Thomas Quirk, Dave Ross,  
Carol Kettler Sharp, Mel Smith, Vicky  
VerPlanck

Member Absent: Mark GiaQuinta

POLICY/PROGRAM IMPACT

Policy or Program Change	<input type="checkbox"/> No <input type="checkbox"/> Yes
Operational Impact Assessment	

(This space for further discussion)

Project Start

Date 13 December 1993

Projected Completion or Occupancy

Date 20 February 1996

Fact Sheet Prepared by  
Patricia Biancaniello

Date 20 February 1996

Reviewed by

Date 22 February 1996

Reference or Case Number

- a. Bill G-94-01-05 - Vacation Petition #555  
A portion of Pennsylvania Street, east of Kitch Street

John Woodyard, Business Manager of the Fort Wayne Vehicle Auction a subsidiary of ADT Holdings in Nashville Tennessee appeared before the Commission. He stated that the reason for the request is that ADT Holdings is the sole owner of all the surrounding property of the right-of-way in question. He stated that he had spoken with Rick Orr, with the City Right-Of-Way Department, and he indicated they would welcome them taking over this portion of Pennsylvania Avenue since it has no ingress or egress value to the city of Fort Wayne.

Ernest Evans questioned what the property north of the requested vacation was being used for.

Mr. Woodyard stated that it is a storage lot affiliated with the Fort Wayne Vehicle Auction.

Mel Smith questioned what the area would be used for.

Mr. Woodyard stated that it is used for storage but it is mainly being done for future planning. He stated that they have bought several parcels of land adjacent to this and it is mainly a storage area for automobiles. He stated that it has been paved and fenced. He stated that it is 100% improved over the way it was a year ago.

Dave Ross stated that he was of the understanding that this portion of roadway was not used for any ingress and egress.

Mr. Woodyard stated that not since the mobile home park was removed has this been used for access.

Charles Layton questioned if there were homes in the area currently.

Mr. Woodyard stated that there is a home right off of Washington Blvd., and there are two or three occupied homes on either side of the right-of-way to be vacated.

Carol Kettler Sharp questioned if there were homes across the street on Kitch.

Mr. Woodyard stated that across the street there are homes.

Dave Ross questioned if they were intending to use this as a commercial drive approach.

Mr. Woodyard stated that in the future they would. He stated that right now their volume is such that they do not need another ingress/egress.

Mr. Woodyard stated that the auction has been mainly heavy duty truck auctions. He stated that this particular area would be used for passenger vehicles only. He stated they have what they feel is adequate storage currently for the heavier vehicles.

Mel Smith questioned if the Commission prohibited the use of this property for access purposes would they still be requesting the vacation.

Mr. Woodyard stated that they would because they still have access and the fact that they would not have access from that side would not diminish the use of the storage area.



Charles Layton questioned the frequency of the auctions.

Ms. Woodyard stated that they have car sales every Tuesday and heavy duty truck auctions every other Wednesday.

Betty Lunsey, 1548 Kitch Street, appeared before the Commission representing the neighborhood association in opposition to the proposed vacation. Ms. Lunsey stated that they were opposing this vacation because the petitioners are not, in the opinion of the neighborhood, good neighbors. She stated that the neighborhood feels that this business has brought in detrimental elements to the area and by allowing them to expand it would only increase the damage that is already being caused by this company. She stated that they feel that they have been trying to move the neighborhood out and expand the business. She stated that they have intimidated people into selling their homes for less than their value in order to expand. She stated that they have put up fencing, but it is not privacy fencing. They have made no effort to landscape the area in order to buffer the property from the existing residential areas. She stated that they do not want them using Kitch Street for commercial traffic. She stated that when the mobile home park was removed they left a great deal of debris in the area for over a year. She stated that it started to be used for dumping and that the neighborhood had to fight to get them to clean up this area.

Carol Kettler Sharp questioned if they were using this street presently.

Ms. Lunsey stated that they did not currently use this street.

Ms. Sharp questioned if they were bringing trucks down Kitch Street.

Ms. Lunsey stated that she had not seen any truck traffic on Kitch.

Ms. Sharp questioned if Ms. Lunsey's concern was that if this vacation is approved that they will start using Kitch Street again for commercial traffic.

Ms. Lunsey stated that was correct, she stated that the auction wants more area in order to expand.

Mr. Woodyard stated in rebuttal that he has been in Fort Wayne for two years. He stated that he could not speak for the things that have happened in the past in this area. He stated however that since he has been here they have tried very hard to be good neighbors. He stated that Archie Lunsey, Councilman for the District called on him about one month after he became business manager for the auction. Mr. Lunsey asked him to see if they could do something about keeping the large trailers from going right up to the fence and becoming an eyesore. He stated that since that time they have been very methodical about trying to avoid that and keep the inventory moved so that they do not sit in one place for any length of time. He stated that they do not come right up to the fence like they were when he first arrived. He stated that he feels that they have made some progress in that respect. He stated that last year they contributed a few hundred dollars for a neighborhood party, again an effort on their part to be a good neighbor. He stated that he has become acquainted with a gentleman who lives on the property right next to Washington. He is very outspoken about any problems in the area. He stated that when they started planning to improve the area where the mobile home park had been located this gentleman made his wishes known pretty quickly that he was kept apprised of what they were doing. He stated that the general manager and himself have tried very hard

to do that by keeping him well informed about the progress. He stated that they spent a little over \$100,000 to develop this property. He stated they may have been a little slow, but part of that is due to the appropriation of money. He stated as soon as the money was appropriated they went ahead and developed the property and it is 100% improvement over what it was. He stated that it was an eyesore. He stated that they did not dump trash on the property. He stated that they were the ones who were cleaning it up from people who were dumping illegally. He stated that their maintenance manager does a good job in keeping the area mowed and the weeds down in the summer. He stated he feels that they have made a viable effort to be a good neighbor. He stated this is not to say that they could always do better. He stated that whenever they feel they can they will.

Dave Ross questioned if there were any utilities requesting easements on this portion of right-of-way.

It was noted that Street Lighting was the only engineering department that had requested that they pay for the relocation of a light pole in the right-of-way. None of the other city departments had any easement requirements. The comments from the private utilities had not been received at this time.

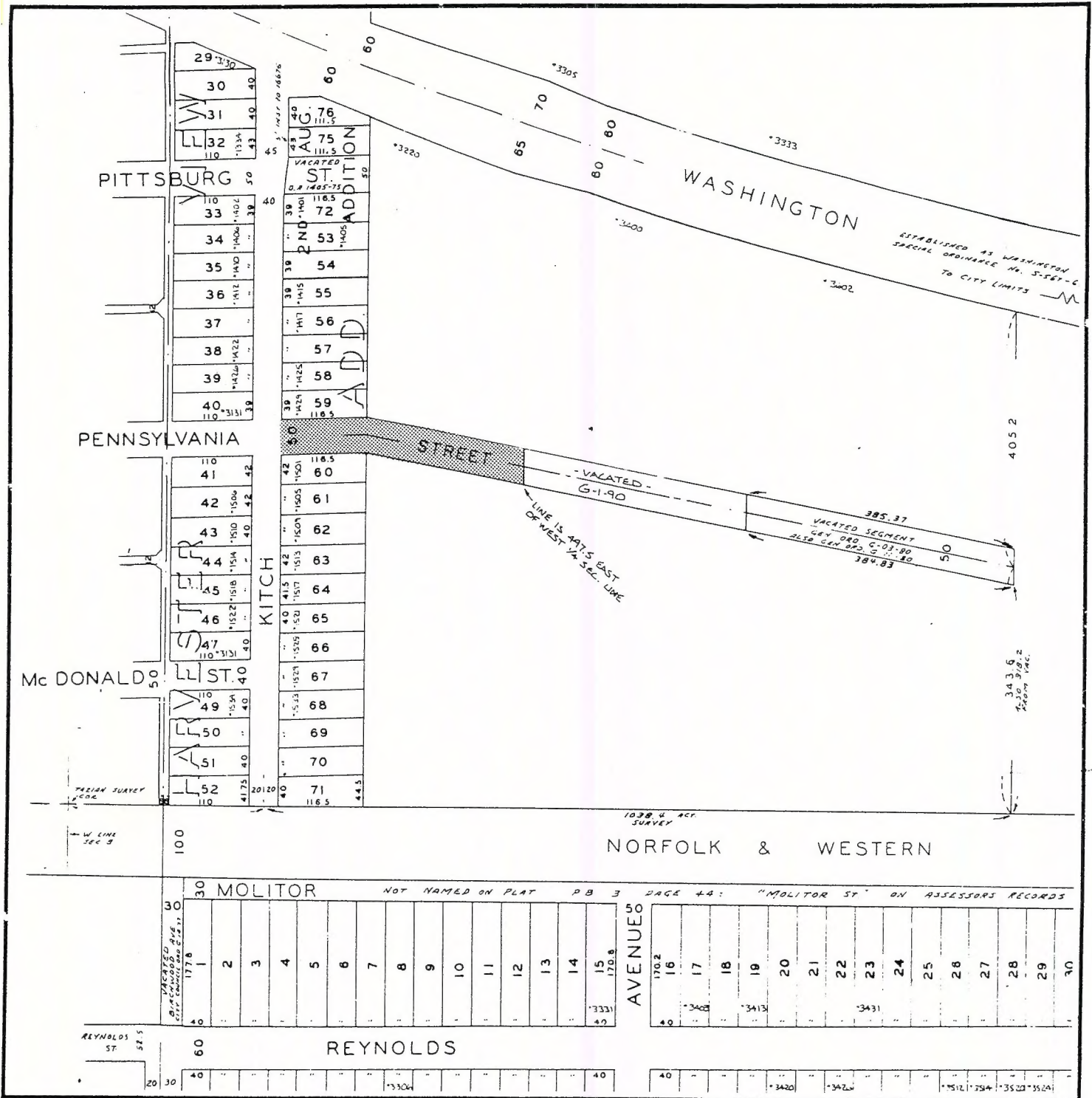
There was no one else present who spoke in favor of or in opposition to the proposed vacation.



# VACATION PETITION

## AREA MAP

CASE NO. #555



COUNCILMANIC DISTRICT NO. 1

Map No. R-2  
LW 1-5-94

R1	One-Family	B1	Limited Business	M1	Light Industrial
R2	Two-Family	B2	Planned Shopping Center	M2	General Industrial
R3	Multi-Family	B3	General Business	M3	Heavy Industrial
RA/RB	Residential	B4	Roadside Business	MHP	Mobile Home Park
PUD	Planned Unit Dev.	POD	Professional Office District		

Date Filed: \_\_\_\_\_

Vacation Petition

I/We AA Property Holdings, Inc.  
(Applicant's Name or Names)

PETITION TO VACATE Pennsylvania Street 50' Right of Way  
(Street, Alley, Utility Easement, Plat,  
\_\_\_\_\_  
Other)

TO: THE CITY PLAN COMMISSION  
CITY OF FORT WAYNE, INDIANA

The undersigned petitioner(s), do (does) hereby respectfully  
petition the Fort Wayne City Plan Commission to vacate the  
following street right of way with the City of Fort  
Wayne, Indiana, and hereby described as follows:

See attached survey including legal description  
\_\_\_\_\_  
\_\_\_\_\_

(Legal Description of property being vacated) If additional  
space is needed use reverse side.)

In support thereof, your petitioner(s) would represent as  
follows:

(List reasons for requesting vacation.)

- 1) That the petitioner is the only owner of real estate bordering both sides of the street.
- 2) That the street is not necessary as ingress or egress to other properties.
- 3) That said street is unopened and unimproved.
- 4) That no person, firm or corporation is interested in or affected by the requested  
vacation.
- 5) That the maintenance of said street is not necessary or advantageous to the growth of  
the City of Fort Wayne, and that it would be to the best interest of the City and the  
citizens thereof.

(If additional space is needed use reverse side.)

Your petitioner(s) file this petition pursuant to the authority  
granted in Indiana Code, and provisions of local ordinance, in  
order to complete the vacation as described.

WHEREFORE, your petitioner(s) pray that the above described  
street right of way be vacated according to the provisions  
of the Indiana Law pertaining thereto.

DATED THIS 10 DAY OF December 19 93

\_\_\_\_\_  
Adjacent Property Owner  
Typed Name

\_\_\_\_\_  
Address Zip

\_\_\_\_\_  
Signature

AA Property Holdings, Inc.  
Adjacent Property Owner  
Typed Name

435 Metroplex Drive  
Nashville, TN 37211  
Address Zip

  
Signature



Legal Description of Property:

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Additional Reasons for Vacation Request:

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Owners of Adjacent Property:

_____	_____	_____
_____	_____	_____
_____	_____	_____

Adjacent	Property	Address/Zip	Signature
Owners TYPED Name			

NOTICE:

FILING OF THIS APPLICATION GRANTS THE CITY OF FORT WAYNE PERMISSION TO POST "OFFICIAL NOTICE" ON THE PETITIONED PROPERTY.

FAILURE TO POST, OR TO MAINTAIN POSTING CAN PREVENT THE PUBLIC HEARING FROM BEING HELD.

This form is to be filed in duplicate.

AGENT:

John Woodyard  
Name

3600 East Washington Boulevard  
Street Address

Ft. Wayne, Indiana 46803  
City/State/Zip

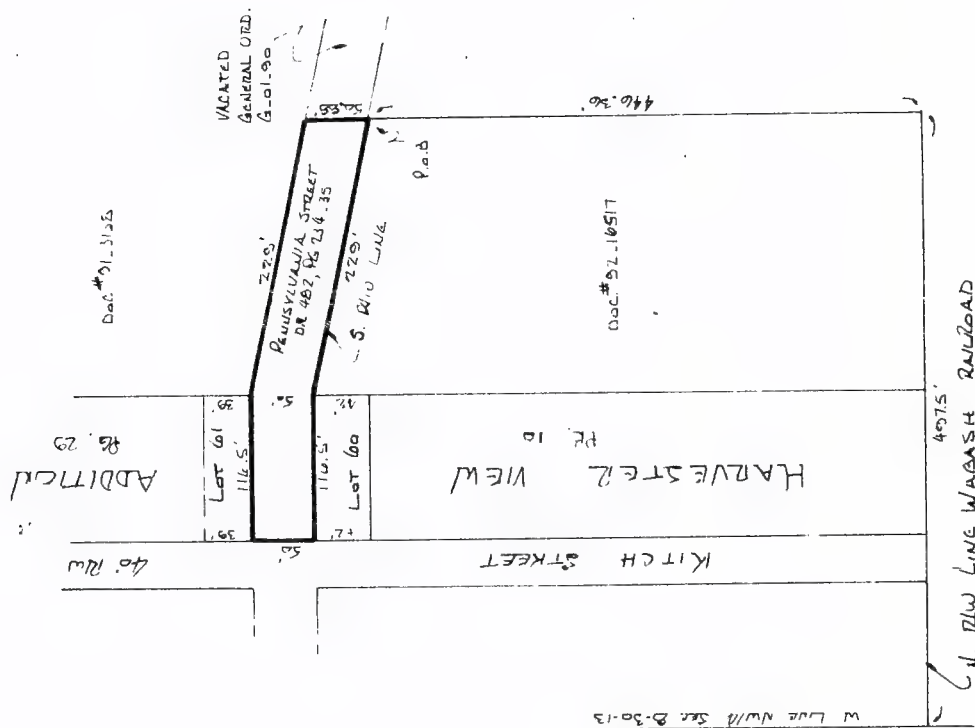
(219) 422-9577  
Phone

LEGAL DESCRIPTION: PART OF THE NORTHWEST QUARTER OF SECTION 8, TOWNSHIP 30 NORTH, RANGE 13 EAST, ADAMS TOWNSHIP, ALLEN COUNTY, INDIANA, DESCRIBED AS FOLLOWS:

STARTING AT THE INTERSECTION OF THE WEST LINE OF SAID NORTHEAST QUARTER WITH THE NORTH LINE RIGHT-OF-WAY LINE OF THE WABASH RAILROAD; THENCE EASTERLY, ALONG SAID NORTH RIGHT-OF-WAY LINE, 497.5 FEET; THENCE NORTH 446.36 FEET, PARALLEL WITH SAID WEST LINE OF THE NORTHWEST QUARTER TO THE SOUTH RIGHT-OF-WAY LINE OF PENNSYLVANIA STREET AS RECORDED IN DEED RECORD 482, PAGES 234-35, WHICH SHALL BE THE PLACE OF BEGINNING; THENCE CONTINUING NORTH, 50.88 FEET, PARALLEL WITH SAID WEST LINE TO THE NORTH RIGHT-OF-WAY LINE OF SAID PENNSYLVANIA STREET; THENCE NORTHWESTERLY, 229 FEET, ALONG SAID NORTH RIGHT-OF-WAY LINE TO THE SOUTHEAST CORNER OF LOT NUMBER 61 IN HARVESTER VIEW ADDITION AS SHOWN IN PLAT BOOK 10, PAGE 29; THENCE WEST 116.5 FEET, ALONG THE SOUTH LINE OF SAID LOT NUMBER 61 TO THE EAST RIGHT-OF-WAY LINE OF KITCH STREET; THENCE SOUTH 50 FEET, ALONG SAID EAST RIGHT-OF-WAY LINE TO THE NORTHWEST CORNER OF LOT NUMBER 60 IN SAID HARVESTER VIEW ADDITION; THENCE EAST, 116.5 FEET, ALONG THE NORTH LINE OF SAID LOT NUMBER 60 TO THE NORTHEAST CORNER THEREOF; THENCE SOUTHEASTERLY, 229 FEET, ALONG THE SOUTH RIGHT-OF-WAY LINE OF SAID PENNSYLVANIA STREET TO THE PLACE OF BEGINNING.

THE ABOVE DESCRIPTION WAS PREPARED BY ME ON DECEMBER 2, 1993 AT THE REQUEST OF MR. WAYNE PUGH. NO MONUMENTS WERE SET OR FOUND THIS DATE.

JOEL A. HOEHN  
PROFESSIONAL LAND SURVEYOR





# RECEIPT

No 14907

COMMUNITY & ECONOMIC DEVELOPMENT

FT. WAYNE, IN., 12/18 1993

RECEIVED FROM Ft Wayne Veterans Museum \$ 150.00

THE SUM OF One hundred and fifty + 00/100 DOLLARS

ON ACCOUNT OF Victims of the Holocaust

3775

PAID BY: CASH ☐ CHECK ☒ M.O. ☐

AUTHORIZED SIGNATURE

RESOLUTION 82-166-6

WHEREAS, AA PROPERTY HOLDINGS INC., has petitioned and requested the Fort Wayne City Plan Commission to hold a public hearing upon the vacation of the following dedicated street right-of-way situated in Fort Wayne, Allen County, to-wit:

Part of the northwest quarter of Section 8, Township 30 North, Range 13 East, Adams Township, Allen County, Indiana, described as follows:

Starting at the intersection of the west line of said northeast quarter with the north right-of-way line of the Wabash Railroad; thence easterly, along said north right-of-way line, 497.5 feet; thence north 446.36 feet, parallel with said west line of the northwest quarter to the south right-of-way line of Pennsylvania Street as recorded in Deed Record 482, pages 234-5, which shall be the place of beginning; thence continuing north, 50.88 feet, parallel with said west line to the north right-of-way line of said Pennsylvania Street; thence northwesterly, 229 feet along said north right-of-way line to the southeast corner of Lot Number 61 in Harvester View Addition as shown in the Plat Book 10, Page 29; thence west 116.5 feet, along the south line of said Lot Number 61 to the east right-of-way line of Kitch Street; thence south 50 feet, along said right-of-way line to the Northwest corner of Lot Number 60 in said Harvester View Addition; thence east, 116.5 feet, along the north line of said Lot Number 60 to the northeast corner thereof; thence southeasterly, 229 feet, along the south right-of-way line of said Pennsylvania Street to the place of beginning.

all in accordance with the terms of Section 44, Chapter 174 of the Acts of 1947, of the General Assembly of the State of Indiana, as amended by Section 3 of Chapter 385 of the Acts of the General Assembly of the State of Indiana, Indiana Code Section 36-7-3-12; and,

WHEREAS, notice of such public hearing has been given by due and proper publication thereof;

WHEREAS, said vacation of dedicated street right-of-way has been routed through the following departments: Street Engineering, Traffic Engineering, Water Pollution Control Engineering, Electrical Engineering, Park Board and through the Public Utility Companies.

NOW THEREFORE, BE IT RESOLVED by the Fort Wayne Board of Public Works that the vacation of said dedicated street right-of-way hereinbefore described conforms to the general policy and pattern of development set out in the Master Plan of the City of Fort Wayne, Indiana.

BE IT FURTHER RESOLVED by the Board of Public Works that the vacation of said dedicated street right-of-way hereinbefore described be and the same is hereby approved subject to easements as required by all public utilities occupying and using said portion of dedicated street right-of-way or part thereof for the vacation and operation of its utility facilities shall not be deprived of said use on account of these proceedings unless any said utilities shall file a written consent to said vacation.

STATE OF INDIANA)

) SS:

COUNTY OF ALLEN )

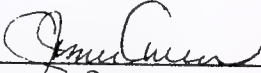
I, C. JAMES OWEN, <sup>MEMBER</sup> ~~Director~~ of the Board of Public Works, do hereby certify that attached hereto is a full, true and correct copy of a resolution adopted by the Fort Wayne Board of Public Works at their meeting held WED., FEB. 14, 1996 and as same appears of

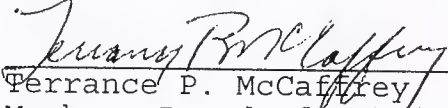


record in the official records of the Board of Public Works.

DATED THIS 14 DAY OF FEBRUARY 1996  
FORT WAYNE BOARD OF PUBLIC WORKS

\_\_\_\_\_  
Linda Buskirk  
Chairman, Board of Public Works

  
\_\_\_\_\_  
C. James Owen  
Member, Board of Public Works

  
\_\_\_\_\_  
Terrance P. McCaffrey  
Member, Board of Public Works

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all in accordance with the terms of Section 44, Chapter 174 of the Acts of 1947, of the General Assembly of the State of Indiana, as amended by Section 3 of Chapter 385 of the Acts of the General Assembly of the State of Indiana, Indiana Code Section 36-7-3-12; and,

WHEREAS, notice of such public hearing has been given by due and proper publication thereof; and,

WHEREAS, said public hearing was held on January 24, 1994 at 7:00 P.M. and at such hearing there were no objections of any kind or character which should prevent the vacation of said dedicated street right-of-way.

WHEREAS, said vacation of dedicated street right-of-way has been routed through the following departments: Street Engineering, Traffic Engineering, Water Engineering, Water Pollution Control Engineering, Street Light Engineering, Park Board and through the Public Utility Companies.

NOW THEREFORE, BE IT RESOLVED by the Fort Wayne City Plan Commission that the vacation of said dedicated street right-of-way hereinbefore described conforms to the general policy pattern of development set out in the Master Plan of the City of Fort Wayne, Indiana;

BE IT FURTHER RESOLVED by the Fort Wayne City Plan Commission that the vacation of said dedicated street right-of-way hereinbefore described be and the same is hereby approved.

BE IT FURTHER RESOLVED no public utility occupying and using said dedicated street right-of-way or part thereof for the vacation and operation of its utility facilities shall be deprived of said use on account of these proceedings unless any said utility shall file a written consent to said vacation.

BE IT FURTHER RESOLVED that the action of the Fort Wayne City Plan Commission be forwarded to the proper governing body having jurisdiction of the vacation of said dedicated street right-of-way in Allen County, Indiana.

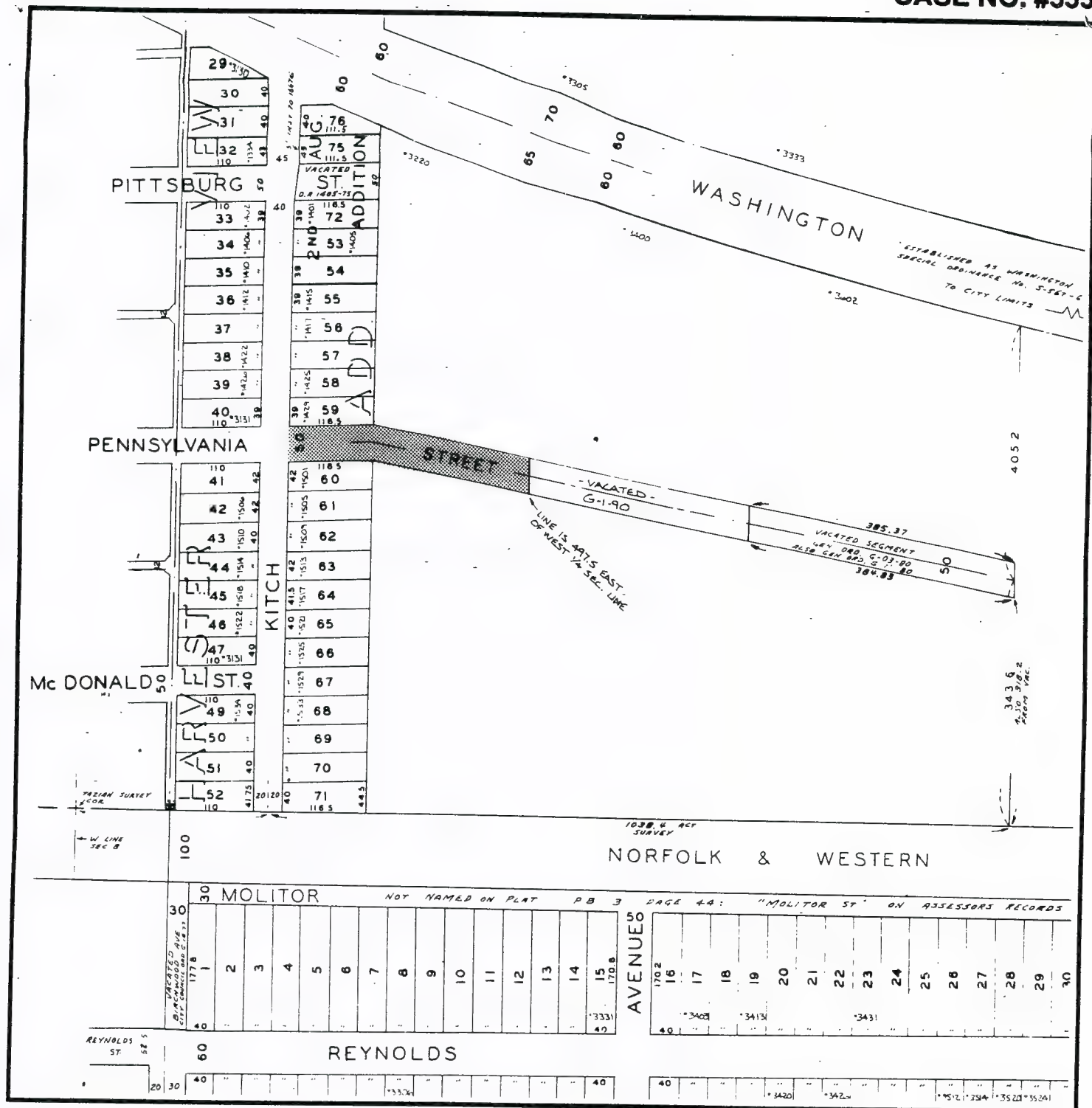




# VACATION PETITION

## AREA MAP

CASE NO. #555



COUNCILMANIC DISTRICT NO. 1

Map No. R-2  
LW 1-5-94

<b>R1</b>	One-Family	<b>B1</b>	Limited Business	<b>M1</b>	Light Industrial
<b>R2</b>	Two-Family	<b>B2</b>	Planned Shopping Center	<b>M2</b>	General Industrial
<b>R3</b>	Multi-Family	<b>B3</b>	General Business	<b>M3</b>	Heavy Industrial
<b>RA/RB</b>	Residential	<b>B4</b>	Roadside Business	<b>MHP</b>	Mobile Home Park
<b>PUD</b>	Planned Unit Dev.	<b>POD</b>	Professional Office District		



#555

ORIGINAL

ORIGINAL

DIGEST SHEET

TITLE OF ORDINANCE Street Vacation Ordinance

DEPARTMENT REQUESTING ORDINANCE Land Use Management - C&ED

SYNOPSIS OF ORDINANCE A portion of Pennsylvania Street

*H-94-01-05.*

EFFECT OF PASSAGE Property is currently dedicated public

right-of-way. Property will be vacated and revert to the

ownership of the adjacent property owners.

EFFECT OF NON-PASSAGE Property will remain dedicated public

right-of-way.

MONEY INVOLVED (Direct Costs, Expenditures, Savings)

(ASSIGN TO COMMITTEE)

BILL NO. G-94-01-05

*held  
4/23/96  
April 23.*

REPORT OF THE COMMITTEE ON  
REGULATIONS  
REBECCA J. RAVINE - THOMAS E. HAYHURST - CO-CHAIR  
ALL COUNCIL MEMBERS

WE, YOUR COMMITTEE ON REGULATIONS TO WHOM WAS

REFERRED AN (ORDINANCE) (~~RESOLUTION~~) amending the Thoroughfare  
Plan of the City Comprehensive ("Master") Plan by vacating a portion  
of public right-of-way thereof

HAVE HAD SAID (ORDINANCE) (~~RESOLUTION~~) UNDER CONSIDERATION  
AND BEG LEAVE TO REPORT BACK TO THE COMMON COUNCIL THAT SAID  
(ORDINANCE) (~~RESOLUTION~~)

DO PASS

DO NOT PASS

ABSTAIN

NO REC

*Rebecca Ravine*

*Thomas E. Hayhurst*

*Martin A. Bender*

*John W. Casper*

*D. Schmitt*

*Michael Bell*

*Public Hearing*

DATED: *4-23-96*

Sandra E. Kennedy  
City Clerk



*From the desk of:*  
**Pat Biancaniello**

AGENT:

AA Property Holdings Inc  
435 Metroplex Dr  
Nashville TN 37211



## THE CITY OF FORT WAYNE

CITY-COUNTY BUILDING • ROOM 122 • FORT WAYNE, INDIANA 46802 • 219-427-1221

SANDRA E. KENNEDY, CITY CLERK

March 6, 1996

Ms. Connie Lambert  
Fort Wayne Newspapers, Inc.  
600 West Main Street  
Fort Wayne, IN 46802

Dear Ms. Lambert:

Please give the attached full coverage on the date of March 9, 1996,  
in both the News Sentinel and Journal Gazette.

RE: Legal Notice for Common Council  
of Fort Wayne, IN

Bill No. G-94-01-05  
Street Vacation

Bill No. G-95-08-08  
Alley Vacation

Please send us 3 copies of the Publisher's Affidavit from both  
newspapers.

Thank you.

Sincerely yours,

Sandra E. Kennedy  
City Clerk



NOTICE OF PUBLIC HEARING  
FORT WAYNE COMMON COUNCIL  
(BILL NO. G-94-01-05)

NOTICE IS HEREBY GIVEN THAT THE FORT WAYNE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA, WILL CONDUCT A PUBLIC HEARING ON TUESDAY, MARCH 26, 1996, AT 5:30 P.M., (EST) IN THE COMMON COUNCIL CONFERENCE ROOM 128, CITY-COUNTY BUILDING, ONE MAIN STREET, FORT WAYNE, INDIANA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

24 Part of the northwest quarter of Section 8,  
25 Township 30 North, Range 13 East, Adams Township,  
Allen County, Indiana, described as follows:

26 Starting at the intersection of the west line of said  
27 northeast quarter with the north right-of-way line of the  
28 Wabash Railroad; thence easterly, along said north right-  
29 of-way line, 497.5 feet; thence north 446.36 feet,  
30 parallel with said west line of the northwest quarter to  
the south right-of-way line of Pennsylvania Street as  
31 recorded in Deed Record 482, pages 234-5, which shall be  
the place of beginning; thence continuing north, 50.88  
32 feet, parallel with said west line to the north right-of-  
way line of said Pennsylvania Street; thence  
northwesterly, 229 feet along said north right-of-way  
line to the southeast corner of Lot Number 61 in  
Harvester View Addition as shown in the Plat Book 10,  
Page 29; thence west 116.5 feet, along the south line of  
said Lot Number 61 to the east right-of-way line of Kitch  
Street; thence south 50 feet, along said right-of-way  
line to the Northwest corner of Lot Number 60 in said  
Harvester View Addition; thence east, 116.5 feet, along  
the north line of said Lot Number 60 to the northeast  
corner thereof; thence southeasterly, 229 feet, along the  
south right-of-way line of said Pennsylvania Street to  
the place of beginning.

ALL INTERESTED PARTIES ARE INVITED TO APPEAR AND BE HEARD.

"REASONABLE ACCOMMODATIONS" FOR PERSONS WITH A KNOWN DISABLING  
CONDITION WILL BE CONSIDERED IN ACCORDANCE WITH THE STATE AND  
FEDERAL LAW. ANY PERSON NEEDING A "REASONABLE ACCOMMODATION"  
SHOULD NOTIFY PUBLIC INFORMATION OFFICE (219) 427-1120, TTY  
(219) 427-1200, AT LEAST SEVENTY-TWO (72) HOURS PRIOR TO THE  
MEETING.

SANDRA E. KENNEDY  
CITY CLERK



## THE CITY OF FORT WAYNE

CITY-COUNTY BUILDING • ROOM 122 • FORT WAYNE, INDIANA 46802 • 219-427-1221

SANDRA E. KENNEDY, CITY CLERK

March 6, 1996

AA Property Holdings, Inc.  
435 Metroplex Drive  
~~Fort Wayne, Indiana 46802~~  
*Nashville, Ten 37211*

(NOTICE OF PUBLIC HEARING ON BILL NO. G-94-01-05)

You are hereby notified that the Common Council of Fort Wayne, will conduct a public hearing on **Tuesday, March 26, 1996, at 5:30 P.M.**, in the Common Council Conference Room 128, 1st Floor, City-County Building, One Main Street, Fort Wayne, Indiana on the following:

a portion of Pennsylvania Street,  
east of Kitch Street -- the vacation  
of the right-of-way would be used  
for future expansion of the Fort  
Wayne Vehicle Auction

All interested persons are invited to appear and be heard. Any written material may be submitted to the Common Council prior to the hearing.

FORT WAYNE COMMON COUNCIL

*Sandra E. Kennedy*

Sandra E. Kennedy  
City Clerk



PUBLISHER'S CLAIM

LINE COUNT

Display Matter (Must not exceed two actual lines, neither of which shall total more than four solid lines of type in which the body of the advertisement is set)  
-- number of equivalent lines

Head -- number of lines

Body -- number of lines

Tail -- number of lines

Total number of lines in notice

COMPUTATION OF CHARGES

58 lines, 1 columns wide equals 58 equivalent lines  
at .346 cents per line

\$ 20.07

Additional charge for notices containing rule or tabular work  
(50 percent of above amount)

Charge for extra proofs of publication (\$1.00 for each proof in excess of two)

1.00

TOTAL AMOUNT OF CLAIM

\$ 21.07

DATA FOR COMPUTING COST

Width of single column 12.5 ems

Number of insertions 1

Size of type 6 point

Pursuant to the provisions and penalties of Chapter 155, Acts 1953,

I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due after allowing all just credits, and that no part of the

NOTICE OF PUBLIC HEARING  
FORT WAYNE COMMON COUNCIL  
(BILL NO. G-94-01-05)

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Part of the northwest quarter of Section 8, Township 30 North, Range 13 East, Adams Township, Allen County, Indiana, described as follows:

Starting at the intersection of the west line of said northeast quarter with the north right-of-way line of the Wabash Railroad; thence easterly, along said north right-of-way line, 497.5 feet; thence north 446.36 feet, parallel with said west line of the northwest quarter to the south right-of-way line of Pennsylvania Street as recorded in Deed Record 482, pages 234-5, which shall be the place of beginning; thence continuing north, 50.88 feet, parallel with said west line to the north right-of-way line of said Pennsylvania Street; thence northwesterly, 229 feet along said north right-of-way line to the southeast corner of Lot Number 61 in Harvester View Addition as shown in the Plat Book 10, Page 29; thence west 116.5 feet, along the south line of said Lot Number 61 to the east right-of-way line of Kitch Street; thence south 50 feet, along said right-of-way line to the Northwest corner of Lot Number 60 in said Harvester View Addition; thence east, 116.5 feet, along the north line of said Lot Number 60 to the northeast corner thereof; thence southeasterly, 229 feet, along the south right-of-way line of said Pennsylvania Street to the place of beginning.

ALL INTERESTED PARTIES ARE INVITED TO APPEAR AND BE HEARD.

REASONABLE ACCOMMODATIONS FOR PERSONS WITH A KNOWN DISABLING CONDITION WILL BE CONSIDERED IN ACCORDANCE WITH THE STATE AND FEDERAL LAW. ANY PERSON NEEDING A REASONABLE ACCOMMODATION SHOULD NOTIFY PUBLIC INFORMATION OFFICE (219) 427-1120 TTY (219) 427-1200 AT LEAST SEVENTY-TWO (72) HOURS PRIOR TO THE MEETING.

SANDRA E. KENNEDY  
CITY CLERK  
#141643

3-9

19 96

Title: Julie L Rohyans Clerk

PUBLISHER'S AFFIDAVIT

State of Indiana )  
) ss:  
Allen County )

Personally appeared before me, a notary public in and for said county and state, the undersigned JULIE L ROHYANS who, being duly sworn, says that he/ she is Clerk of the The Journal-Gazette newspaper of general circulation printed and published in the English language in the (city) (town) of Fort Wayne, IN in state and county aforesaid, and that the printed matter attached hereto is a true copy, which was duly published in said paper for 1 time, the dates of publication being as follows:  
3-9-96

Julie L Rohyans

scribed and sworn to before me this 9th day of MARCH, 19 96.

Mary L Schneider  
Notary Public

MARY L SCHNEIDER  
NOTARY PUBLIC STATE OF INDIANA  
ALLEN COUNTY  
ommission expires: MY COMMISSION EXP JUNE 14,1997



PUBLISHER'S CLAIM

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Date: MARCH 9, 19 96 Title: Julie L Rohyans Clerk

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SANDRA E. KENNEDY  
CITY CLERK  
#141643

PUBLISHER'S AFFIDAVIT

I, \_\_\_\_\_, of the State of Indiana )  
) ss:  
Allen County )

I personally appeared before me, a notary public in and for said county and state, the undersigned JULIE L ROHYANS who, being duly sworn, says that he/she is Clerk of the The News-Sentinel newspaper of general circulation printed and published in the English language in the (city) (town) of Fort Wayne, IN in state and county aforesaid, and that the printed matter attached hereto is a true copy, which was duly published in said paper for 1 time, the dates of publication being as follows:

3-9-96  
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scribed and sworn to before me this 9th day of MARCH, 19 96.

Mary L Schneider  
Notary Public  
MAY 14 1997  
commission expires: NOTARY PUBLIC STATE OF INDIANA  
ALLEN COUNTY  
MY COMMISSION EXP JUNE 14, 1997